



**COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE DR. GABRIELLA VELLA B.A., LL.D.**

**Police
(Inspector Godwin Scerri)
Vs
Aleksander Gochev**

Today, 4th June 2019

The Court,

After having considered the charges brought against Aleksander Gochev, son of Slavo and Radica, maiden surname unknown, born on the 12th October 1987 in Shtip, Macedonia, residing at “Montecarlo Flats” Flat 4, Dawret il-Gzejjer, St.Paul’s Bay and holder of Macedonian Passport number C0080192, of having on the 3rd June 2019 at around 10:00 a.m. from the residence “Sunrise Court”, Tamar Street, St.Paul’s Bay:

1. With intent to commit the crime of aggravated theft by means and place, manifested such intent by overt acts which followed the commencement of the execution of the crime and this in breach of Article 41 (1)(a), 263, and 296 of Chapter 9 of the Laws of Malta;
2. Of having on the same date, place, time and circumstances caused voluntary damages to the detriment of third parties and this in breach of Article 325(1) (c) of Chapter 9 of the Laws of Malta;

After having considered the request by the Prosecution for the Court to order the accused for payment of the costs incurred in connection with the employment in these proceedings of any expert or referee and this in terms of Article 533(1) of Chapter 9 of the Laws of Malta;

After having examined the documents submitted in the records of these proceedings by the Prosecution namely: (a) the consent by the Attorney General in the English language and in the Maltese language– Doc. “A1” and Doc. “A2”; (b) a photocopy of the accused’s passport – Doc. “B”; (c) the Police incident report – Doc. “C”; (d) a declaration of refusal to the right of legal assistance by the accused – Doc. “D”; (e) a statement given by the accused on the 3rd June 2019 – Doc. “E”; (f) the receipt with regards to the seizure of the objects found

in possession of the accused – Doc. “F”; (g) a written note signed by the owner of the premises mentioned in the charges whereby it is indicated that the value of the repairs would amount to two hundred Euros (€200) – Doc. “G”.

After having heard the accused plead guilty to the charges brought against him and this also after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

After having heard submissions regarding punishment and noted that the Prosecution and the Defence both submitted that in the circumstances of this case an effective imprisonment term would not be an appropriate punishment.

After having heard the Prosecution declare that in so far as concerns damages it rests its case on Doc. “G” submitted in the records of these proceedings and after having heard the Defence declare that it is accepting this value as representing the amount of damages to be paid;

After having considered all the records of the proceedings;

Considers:

The accused is being charged of having on the 3rd June 2019 at around 10:00 a.m. from residence “Sunrise Court”, Tamar Street, St.Paul’s Bay: (a) with intent to commit the crime of aggravated theft by means and place, manifested such intent by overt acts which followed the commencement of the execution of the crime and this in breach of Article 41 (1)(a), 263, and 296 of Chapter 9 of the Laws of Malta; (b) of having on the same date, place, time and circumstances caused voluntary damages to the detriment of third parties and this in breach of Article 325(1) (c) of Chapter 9 of the Laws of Malta.

The accused replied that he is guilty of all the charges brought against him and in view of said guilty plea the Court finds the accused guilty of the charges so brought against him.

After considering Sections 41(1)(a), 263(a), 269 (g), 278(1) and (2) and 325(1)(c) of Chapter 9 of the Laws of Malta, the Court, whilst reiterating that it is finding the accused guilty of the charges brought against him, condemns him to one (1) year imprisonment however, since the Court is of the opinion that in this case there are sufficient reasons which warrant the suspension of the term of imprisonment herein imposed, namely the early guilty plea by the accused and that he is willing to pay the damages caused to the owner of the premises mentioned in the charge sheet, in terms of Section 28A of Chapter 9 of the Laws of Malta the said term of one (1) year imprisonment is being suspended for a period of one (1) year from today.

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period of this suspended sentence he commits an offence punishable with imprisonment.

In terms of Section 28H of Chapter 9 of the Laws of Malta, the Court condemns the accused to pay Raymond Vassallo, the owner of the premises “Sunrise Court” Tamar Street, St. Paul’s Bay, the sum of two hundred Euros (€200), representing damages caused to the said premises by the accused. This payment is to be effected within a period of one (1) month from today.

In terms of Section 28H(8) of Chapter 9 of the Laws of Malta, the Court explained to the accused in plain language his liability under Section 28H of Chapter 9 of the Laws of Malta if he fails to pay the said amount of €200 within the period of one (1) month from today set out above in this judgement.

MAGISTRATE

DEPUTY REGISTRAR